IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CONTEMPT PETITION NO.137 OF 2007
IN
WRIT PETITION NO.3155 OF 2004

Suresh A. Kakkar ..Petitioner.
Vs.
Madhukar Gupta,
The Secretary,
Ministry of Home Affairs,
Government of India and others ..Respondents.

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Mr. Saimurthy i/b Mr. S.R. Atre for the Petitioner.
Mr. R.V. Desai , Senior Advocate with Mr. R.R. Shetty for Respondent No.1.
Mr. Pradeep Jadhav, AGP for Respondent Nos.2 and 3.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

17th December, 2007.

P.C. :

The exercise of the contempt jurisdiction at the present stage is clearly not appropriate or proper. The judgment and order of the Division Bench dated 25th August, 2006 in Writ Petition 3155 of 2004 has been stayed by an order dated 15th January, 2007 passed by the Supreme Court in Petition for Special Leave to Appeal (Civil) No.1178 of 2007. Subsequently on 17th September, 2007 the Supreme Court observed (in IA 6 in SLP (Civil) No.12364

of 2006) that the government would be entitled to fill in the vacancies subject to the result of the special leave petition. This order postulates that the government is at liberty to fill up the vacancies if it so desires. The attention of the Court has also been drawn to the fact that on 23rd October, 2007 a group of matters was directed to be listed. That being the position, since the appeals are pending before the Supreme Court, it would not be appropriate to exercise the contempt jurisdiction. The Contempt Petition is disposed of.